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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JANET ANN KEILIG
a.k.a. JANET ANN VALLEY
8316 Crestshire Circle
Orangevale, CA 95662**

Registered Nurse License No. 482511

RESPONDENT

Case No. 2013-214

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 26, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-214 against Janet Ann Keilig, aka Janet Ann Valley (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about August 31, 1992, the Board of Registered Nursing (Board) issued Registered Nurse License No. 482511 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on April 30, 2008 and has not been renewed.

3. On or about September 26, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2013-214, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was: 1230 Cranberry Avenue, Sunnyvale, CA 94087 and is: 8316 Crestshire Circle, Orangevale, CA 95662.

4. Service of the Accusation was effective as a matter of law under the provisions of

1 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
2 124.

3 5. On or about November 5, 2012, the signed Certified Mail Receipt was returned to our
4 office indicating a delivery date of October 30, 2012. On or about October 31, 2012,
5 Respondent contacted the Attorney General's Office and changed her address and notified
6 the Deputy Attorney General that she has not practiced since 2007 and has no intention of
7 renewing her RN license and therefore, would prefer the Board to prepare a default
8 decision.

9 6. Business and Professions Code section 2764 states:

10 The lapsing or suspension of a license by operation of law or by order or decision of
11 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
12 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
13 against such license, or to render a decision suspending or revoking such license.

14 7. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
16 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
17 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
18 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

19 8. Respondent failed to file a Notice of Defense within 15 days after service of the
20 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.
21 2013-214.

22 9. California Government Code section 11520 states, in pertinent part:

23 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
24 agency may take action based upon the respondent's express admissions or upon other evidence
25 and affidavits may be used as evidence without any notice to respondent.

26 10. Pursuant to its authority under Government Code section 11520, the Board after
27 having reviewed the proof of service dated September 26, 2012, signed by Brent Farrand, finds
28 Respondent is in default. The Board will take action without further hearing and, based on

1 Accusation No. 2013-214 and the documents contained in Default Decision Investigatory
2 Evidence Packet in this matter which includes:

3 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2013-214,
4 Statement to Respondent, Notice of Defense (two blank copies), Request
5 for Discovery and Discovery Statutes (Government Code sections
6 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail
7 receipt or copy of returned mail envelopes;

8 Exhibit 2: License History Certification for Janet Ann Keilig, aka Janet Ann Valley,
9 Registered Nurse License No. 482511;

10 Exhibit 3: Affidavit of Kevin Dutchover and Roseanne Marra;

11 Exhibit 4: Certification of costs by Board for investigation and enforcement in Case
12 No. 2013-214;

13 Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of
14 Case No. 2013-214.

15 The Board finds that the charges and allegations in Accusation No. 2013-214 are separately and
16 severally true and correct by clear and convincing evidence.

17 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
18 the Office of the Attorney General contained in the Default Decision Investigatory Evidence
19 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
20 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
21 \$9,391.79 as of October 31, 2012.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Janet Ann Keilig, aka Janet Ann Valley has subjected her following license(s) to discipline:

a. Registered Nurse License No. 482511

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Business and Professions Code section 2761(a)(1) -
Unprofessional Conduct, Gross Negligence.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 482511, heretofore issued to Respondent Janet Ann Keilig, aka Janet Ann Valley is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MARCH 29, 2013.

It is so ORDERED FEBRUARY 27, 2013



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2013-214

Exhibit A

Accusation No. 2013-214

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUDITH J. LOACH
Deputy Attorney General
4 State Bar No. 162030
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5604
6 Facsimile: (415) 703-5480
E-mail: Judith.Loach@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-214*

13 **JANET ANN KEILIG**
14 **AKA JANET ANN VALLEY**
15 **1230 Cranberry Avenue**
16 **Sunnyvale, California 94087**

ACCUSATION

17 **Registered Nurse License No. 482511**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about August 31, 1992, the Board of Registered Nursing issued Registered
25 Nurse License Number 482511 to Janet Ann Keilig, aka Janet Ann Valley ("Respondent"). The
26 Registered Nurse License was in full force and effect and expired on April 30, 2008.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender and/or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

DISCIPLINARY STATUTES AND REGULATIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

..."

8. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single

1 situation which the nurse knew, or should have known, could have jeopardized the client's health
2 or life."

3 COST RECOVERY

4 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licensee found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 FIRST CAUSE FOR DISCIPLINE

9 (Gross Negligence – Administration of Increased Dose of Immunotherapy Diluents]

10 10. Respondent is subject to discipline under Code section 2761(a)(1) for gross
11 negligence, as defined in California Code of Regulations, title 16, section 1442, based on her
12 administration of diluent to a patient that led to an adverse outcome. The facts in support of this
13 cause for discipline are as follows:

14 a. On or about September 17, 2002, Respondent was employed as a registered nurse
15 with the Camino Medical Group, Sunnyvale, California. Dr. S. R., an allergist in this practice,
16 had assumed the care of Patient T.G., ("T.G.") a 13 year-old male who was being treated for
17 asthma and multiple allergies by way of immunotherapy (allergy shots).

18 b. On September 10, 2002, T.G. received 0.25 cc of diluent in his right and left arm.¹
19 As noted by Respondent, T.G. had a "+++" reaction to the diluent in his right arm and a "+"
20 reaction to the diluent administered in his left arm.

21 c. Pursuant to Dr. S.R.'s standing orders, the dosage of diluent was based on the
22 patient's prior reaction. If a previous injection resulted in a "swelling 20-35 mm" the patient was
23 to receive the same dose of diluent. If the reaction to the previous injection was "swelling over
24 35 mm" then the patient was to receive the "last dose (of diluent) which caused no reaction."
25 Dr. S.R. also required that pulmonary function tests be performed on asthmatic patients prior to

26 ¹ An allergy shot consist of diluted allergens ("diluent") that a person is allergic to,
27 starting with a 1:1 million dilution, to the gradual buildup of the dosage of allergens over a 3 to 6
28 month period.

1 and after receiving injections of diluents.²

2 d. On September 17, 2002, at approximately 10:20 a.m., Respondent administered
3 0.30 cc of diluent to T.G.'s right and left arm. The injection was not preceded by performing a
4 pulmonary function test. The last date on which T. G. had a pulmonary function test was on July
5 31, 2002.

6 e. Within ten minutes of receiving the diluent, T.G. complained of "tightness in his
7 throat" and itchiness. Medical interventions were unsuccessful and T.G. died as a result of an
8 acute anaphylactic reaction.

9 SECOND CAUSE FOR DISCIPLINE

10 (Gross Negligence – Failure to Perform Pulmonary Function Test Prior to Administration
11 of Increased Dose of Diluents]

12 11. Respondent is subject to discipline under Code section 2761(a)(1) for gross
13 negligence, as defined in California Code of Regulations, title 16, section 1442, based on her
14 failure to perform a pulmonary function test on T.G., prior to and/or after administering an
15 increased dose of diluent. The facts in support of this cause for discipline are set forth above, in
16 paragraph 10.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 482511, issued to Janet
21 Ann Keilig, aka Janet Ann Valley;

22 2. Ordering Janet Ann Keilig, aka Janet Ann Valley to pay the Board of Registered
23 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
24 Business and Professions Code section 125.3;

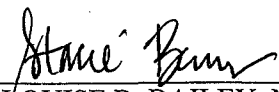
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27 ² Pulmonary function tests are used to measure how well the lungs take in and release air
28 and how well they move oxygen from the atmosphere into the body's circulation.

3. Taking such other and further action as deemed necessary and proper.

DATED: September 26, 2012


for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant